

**ALAMEDA COUNTY SUPERIOR COURT**  
**APPLICATION FOR APPOINTMENT TO ADR PANELS**  
*including Judicial Arbitration, Mediation, Neutral Evaluation, and Private Arbitration*

**1. APPLICANT:**

**Applicant's Name:** Richard Phelps

**Firm Name:** Richard Phelps Attorney/Mediator

**Address:** 405 14<sup>th</sup> Street Suite 508

**City/State/Zip:** Oakland, CA 94612

**Telephone:** (510) 268-9919 **Fax:** (510) 268-0368

**Email:** [PhelpsMediation@aol.com](mailto:PhelpsMediation@aol.com) **Web Site:** PhelpsMediation.com

**2. PANEL REQUEST:** *(All applicants are requested to serve as Judicial Arbitrators)*

**Check each panel for which you are applying:**

☒ Judicial Arbitration ☒ Mediation ☒ Neutral Evaluation ☒ Private Arbitration

**3. EDUCATION:**

<u>Dates (from-to)</u>	<u>College/University/Law School</u>	<u>Degree Obtained</u>
1974	Blackstone School of Law	. LL.B

**4. LEGAL EXPERIENCE:** State Bar No. 103141 Date Admitted: 1982

A. Are you a member in good standing of the State Bar of California? ☒ Yes ☐ No

B. Are you a retired judicial officer? ☐ Yes ☒ No

Please describe when/where you last served as a judicial officer: \_\_\_\_\_

C. Are you actively engaged in the practice of law at this time? ☒ Yes ☐ No

If not, are you retired from practice? \_\_\_\_\_ Date retired: \_\_\_\_\_

If your license is presently inactive, please explain: \_\_\_\_\_

D. Are you currently active in litigation practice? ☒ Yes ☐ No

Approximately what percentage of your practice involves litigation? 40 %

E. If your practice includes personal injury litigation, approximately what percentage of your

- practice involves the representation of: plaintiffs 98 % ; of defendants 2 %?
- F. How many of the following have you personally handled as attorney of record in the past five years? Jury Trials 1 ; Court Trials 1 ; Mediations 12 ; Arbitrations 6 ;
- G. Describe any legal publications or teaching you have done: \_\_\_\_\_

## 5. ADR TRAINING and EXPERIENCE

Course Title	Sponsoring Organization	Hours of Credit	Dates
Mediation	Center for Mediation in Law	40	1995
See web site for continuing education PhelpsMediation.com			

- A. Number of years experience as: mediator 8 ; arbitrator 13 ; neutral evaluator 6 ;
- B. List all other court-connected ADR panels of which you are a member, specifying the processes for which you have qualified: CCC EASE Mediation

- C. State the name(s) of any organization(s) through which you have provided ADR services during the past five years, giving the dates and the services you provided: ACBA ADR, Med., Arb., & NE (member of ADR EX. Committee and Co-Chair ADR Section 1998-present)

- D. Describe the subject matter of five disputes in which you served as the ADR provider in the past 5 years, including the dates of service, the process and if you were sole or co-provider.
1. \_\_\_\_\_ ;
  2. I have mediated more than 800 civil cases, arbitrated more than 100 cases, see web site PhelpsMediation.com for details

3. \_\_\_\_\_ ;
4. \_\_\_\_\_ ;
5. \_\_\_\_\_ ;

- E. Is your ADR style best described as facilitative or evaluative/directive? Both as needed.

- F. Describe any ADR related publications or training you have done: Several MCLE programs for ACBA and a couple of articles on Mediation. \_\_\_\_\_

- G. Set forth your hourly fee or fee schedule, including any sliding scale or pro bono provisions.

**Attach a copy of your fee agreement.** (Please note: Judicial arbitrators waive compensation for the first three (3) hours of hearing time in Alameda County and all ADR panelists are requested to accept at least three (3) Judicial arbitration cases per year).

Limited , UM, UIM \$120 per hour per party/attorney Unlimited \$145, if one attorney represents two or three people it is "one Party"

**6. AVAILABILITY/SPECIAL REQUIREMENTS**

**A. List any languages, other than English, in which you are able to conduct ADR proceedings:**

**B. Please state any special bi-cultural/multi-cultural capabilities or familiarity you possess:**

**C. You are available to conduct ADR conferences:   X   in your office;   X   at counsel's office;   X   other (please describe) \_\_\_\_\_)**

**D. You are available to conduct ADR proceedings:   X   during regular office hours;   X   evenings by appointment;   X   weekends by prior arrangement;**

**E. Please describe any requirements you have for ADR participants such as submission of copies of pleadings, briefs, declarations in lieu of testimony, etc.:   Briefs a couple of days before hearing.**

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**7. SUBJECT MATTER DESIGNATION**

**Please check each area below in which you are qualified by training/experience to provide ADR services, indicating the percentage it represents of your law practice, if any, and the ADR process(es) which you are prepared to offer in that area:**

<b>Case Type Accepted</b>	<b>% of Practice</b>	<b>Judicial Arb.</b>	<b>Mediation</b>	<b>Neutral Eval.</b>	<b>Private Arb.</b>
<b>Bankruptcy</b>	<b>0</b>				
<b>Business/Corp.</b>	<b>0</b>		<b>X</b>		
<b>Civil Rights</b>	<b>1</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Collections</b>	<b>0</b>		<b>X</b>		
<b>Construction</b>	<b>1</b>	<b>X</b>			<b>X</b>
<b>Contracts</b>	<b>2</b>		<b>X</b>		
<b>Elder law/abuse</b>	<b>0</b>				
<b>Employment</b>					
<b>-Discrimination</b>	<b>1</b>		<b>X</b>		<b>X</b>
<b>-Harassment</b>	<b>1</b>		<b>X</b>		<b>X</b>
<b>-Termination</b>	<b>1</b>		<b>X</b>		<b>X</b>
<b>Environmental</b>	<b>0</b>				
<b>Fraud</b>	<b>5</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>False Imprison.</b>	<b>1</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Family Law</b>	<b>0</b>		<b>X</b>		
<b>HO Ass'n</b>	<b>1</b>		<b>X</b>		
<b>Insurance Cov.</b>	<b>10</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Intellect. Property</b>	<b>0</b>				
<b>Landlord-Tenant</b>	<b>1</b>		<b>X</b>		
<b>Legal Malpractice</b>	<b>1</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Maritime</b>	<b>0</b>				

<b>Med Malpractice</b>	<b>0</b>				
<b>Partnership</b>	<b>0</b>		<b>X</b>		
<b>P.I. – Auto</b>	<b>15</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>P.I. – Other</b>	<b>10</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Premises Liability</b>	<b>5</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Probate/Trust</b>	<b>0</b>				
<b>Product Liab.</b>	<b>0</b>		<b>X</b>		
<b>Real Property</b>	<b>1</b>		<b>X</b>		
<b>Securities</b>	<b>0</b>				
<b>Tax</b>	<b>0</b>				
<b>Toxic Torts</b>	<b>0</b>				
<b>Wrongful Death</b>	<b>1</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Other: defamation</b>	<b>1</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Ins. Bad Faith</b>	<b>10</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Mal. Prosecution</b>	<b>7</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

## MEDIATION FEE AGREEMENT

THIS AGREEMENT is between us regarding the \_\_\_\_\_ mediation that is scheduled for **July 8, 2003**. Although I'm an attorney, I will not act as an advocate for either party. This means that I will not be trying to protect the legal rights of either of you against the other during the mediation process.

I may be called upon to answer questions about law during the mediation. To the extent that it plays a role in the mediation, the law in the context of our discussions will be used to assist you in arriving at what you believe to be fair. My role as a legal educator should be minimal since it is my understanding that each party will be represented by counsel before and during the mediation. You may also wish to consult with others who might be helpful in providing technical information. The mediation process is entirely voluntary and either of you may choose to terminate it at any time.

**My fee for the mediation will be One Hundred Twenty Dollars (\$145.00) per hour, per party, with a minimum of four (4) hours, which will apply equally to time spent with you in mediation and other tasks you ask me to perform such as reviewing materials, conducting research, consulting advisors, drafting the proposed agreement, traveling and other necessary communications. A check from each side for Five Hundred Eighty Dollars (\$580.00) is required to be presented prior to the start of the mediation. Additional time will be paid for by the parties within one (1) week of receipt of the bill. Plaintiff's attorney accepts responsibility for payment of plaintiff's share of the fee and defendant's attorney accepts responsibility for payment of defendant's share of the fee. Venue in any fee dispute will be Oakland Small Claims Court unless the amount sought is above Five Thousand Dollars (\$5,000.00) and then it will be Alameda County Superior Court. Any additional time is due within one (1) week of billing.**

Please review this Agreement carefully and return it with your check as soon as possible to secure your mediation time and date. If you have any questions concerning any of the contents of this Agreement, please call me immediately. The mediation will not begin without full payment from all parties unless prior alternative arrangements have been made. Cancellation in less than three (3) business days requires payment for the time reserved.

AGREED:

Dated: \_\_\_\_\_, 2003

\_\_\_\_\_  
Richard Phelps, Mediator

\_\_\_\_\_  
Frederick Sette  
Attorney for Plaintiff

CLAPP, MORONEY, BELLAGAMBA , VUCINICH

\_\_\_\_\_  
Susan Sherill  
Attorney for Defendant